IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9180 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SANSKAR KELAVANI TRUST

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9180 of 1998

MR HARSHAD J SHAH for Petitioner No. 1-2

Mr. L.R. Poojari, AGPfor Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 01/04/2004

ORAL JUDGEMENT

The petitioner Trust who is running an Arts, Commerce and Science College at Village Pipalia, Taluka Waghodia, District Vadodara, has preferred the present Special Civil Application under Article 226 of the Constitution of India for an appropriate direction or order directing the respondent to give grant to them for

the purpose of running the College.

2. It is the case of the petitioners that though the petitioner Trust has been granted recognition/affiliation to run the College in the year 1996 with a condition amongst others that the petitioner Trust and the College will not get Grant for 1st seven years' period, after the said period their case may be considered for Grant. However, it is submitted that in an identical case, a similarly situated college for which reference is made in the petition was granted recognition/affiliation to run the college without Grant is now converted to a grantable college and an order has been passed to give grant. In an another case, though the stipulated period for non-payment of the Grant was not over and a specific undertaking was also given by the concerned management that they will not be claiming any Grant for all times to come the State Government has passed the order to give grant subsequently.

3. Today, when the matter is called out for final hearing, Shri H.J. Shah, learned advocate appearing for the petitioners has submitted that even as per the order dated 2nd August 1996 by which the petitioner trust was granted recognition to run the college, the condition was that the institution will not be entitled to any grant for the 1st period of 7 years and that period is already over in the year 2003. Under the circumstances, he has submitted that even otherwise by now after a period of 7 years the petitioners would be entitled to the grant.

4. Mr. L.R. Poojari, learned AGP appearing on behalf of the State on instructions from his client Shri B.J. Brahmbhatt, Under Secretary, Education Department, State of Gujarat, who is present in the Court, makes a statement that in view of the fact that 7 years' period is over from the date of granting the recognition, the case of the petitioner for grant is required to be considered on a formal application being made by the petitioners, if all other conditions which are stipulated while granting the recognition are fulfilled. In light of the above, both the learned advocates have requested to issue appropriate direction.

5. In view of the aforesaid facts and circumstances and the statement made on behalf of the State that 7 years' period is over after granting of recognition, the respondents are directed to consider the case of the petitioners on a formal application that may be made by the petitioners to the competent authority for grant, and to give Grant if all other conditions which were imposed

while granting the recognition are fulfilled by the college authority. The said exercise is required to be done within a period of three months from the date of making of such formal application and decision thereon shall be communicated to the petitioners. With this direction, the present petition is disposed of accordingly. Rule is made absolute accordingly with no order as to costs.

rmr. [M.R. Shah, J.]